GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA

STARRED QUESTION NO:78
ANSWERED ON:27.11.2006
VIOLATION OF PROGRAMME AND ADVERTISEMENT CODES
Jagannath Dr. M.;Rao Shri Kavuru Samba Siva

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a)Whether despite the directions issued to the satellite TV channels to desist from showing advertisements for promotion of consumption of liquor, vulgarity/obscenity, certain channels continue to show advertisements glorifying obscenity, projecting derogatory images of women and also programmes/serials which have indecent/vulgar themes;

(b) If so, the action taken or proposed to be taken against such TV channels for flouting the Programme and Advertisement Codes; and

(c) The steps proposed to be taken to ban such advertisements/programmes on TV channels ?

Answer

THE MINISTER OF INFORMATION & BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P.R. DASMUNSI)

(a) to (c): A statement is laid on the Table of the House

STATEMENT AS REFERRED TO IN REPLY TO PARTS (a) TO (c) OF LOK SABHA STARRED QUESTION NO. 78 TO BE ANSWERED ON 27-11-2006

(a): Certain instances have been brought to the notice of the Government.

(b) and (c) :Whenever specific instances of violation of the Programme and Advertising Codes prescribed under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder are brought to the notice of the Government, action is initiated.The Government have constituted an Inter-Ministerial Committee to monitor violation of the Programme and Advertising Codes. The Committee recommends action on receipt of complaints or even on suo-motu basis. Thereafter action is taken as per rules.Vide Notification dated 2-8-2006 (Annexure I), no advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India, Mumbai for exhibition in India, shall be carried in the cable service. By another Notification dated 9-8-2006 (Annexure II), certain conditions have been imposed for advertisement of a product on cable service that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants. All such advertisements have to be previewed and certified by Central Board of Film Certification suitable for unrestricted public exhibition prior to telecast or transmission or retransmission.

ANNEXURE-I

Annexure as referred to in reply to parts (b) to (c) of Lok Sabha Starred Question No.78 to be answered on 27-11-2006

THE GAZETTE OF INDIA : EXTRAORDINARY PART (II) − SECTION 3 − sub-section
(i)

MINISTRY OF INFORMATION AND BROADCASTING NOTIFICATION New Delhi, dated: the 2ND August 2006

G.S.R 459(E) : In exercise of the powers conferred by sub-section (1) of section 22 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), the Central Government hereby makes the following rules further to amend the Cable Television Networks Rules, 1994, namely:-

1. (1) These rules may be called Cable Television Networks (Amendment) Rules, 2006.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Cable Television Networks Rules, 1994,

(i) In rule 6, in sub-rule (1) after clause (o) the following proviso shall be inserted, namely:-

"Provide that no film or film song or film promo or film trailer or music video or music albums or their promos, whether produced in

India or abroad, shall be carried through cable service unless it has been certified by the Central Board of Film Certification (CBFC) as suitable for unrestricted public exhibition in India".

(ii) In rule 7, for sub-rule (9) the following shall be substituted, namely:-

" (9) No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service".

[F.No. 2302/1/2001-BC-III (Part)] N.BAIJENDRA KUMAR Jt. SecY.

Note: The principal rules were published in Gazette of India, Part II, Section 3, Sub-section

(i) vide number GSR 729(E) dated the 29th September and subsequently amended by GSR 459

(E) dated the 8th October, 1996 and GSR 710 (E) dated the 8th September, 2000, and GSR 282

(E) dated the 11th May, 2006.

ANNEXURE-II

Annexure as referred to in reply to parts (b) to (c) of Lok Sabha Starred Question No.78 to be answered on 27-11-2006

GAZETTE OF INDIA: EXTRAORDINARY PART (II) − SECTION 3 − sub-section
(i)

MINISTRY OF INFORMATION AND BROADCASTING NOTIFICATION New Delhi, the 9th August 2006

G.S.R. 469(E). In exercise of the powers conferred by sub-section (1) of section 22 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), the Central Government hereby makes the following rules further to amend the Cable Television Network, Rules, 1994, namely:-

1.(1) These rules may be called the Cable Television Networks (Amendment) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2.In the Cable Television Network Rules, 1994, in rule 7, in sub-rule (2), in clause

(viii), after sub-clause (A), the following shall be inserted, namely:-

"Provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to the following conditions that -

(i) The story board or visual of the advertisement must depict only the product being advertised and not the prohibited products in any form or manner;

(ii)The advertisement must not make any direct or indirect reference to the prohibited products ;

(iii)The advertisement must not contain any nuances or phrases promoting prohibited products;

(iv)The advertisement must not use particular colours and layout or presentations associated with prohibited products ;

(v)The advertisement must not use situations typical for promotion of prohibited products when advertising the other products:

Provided further that all such advertisements shall be previewed and certified by the Central Board of Film Certification suitable for unrestricted public exhibition prior to telecast or transmission or retransmission";

[File No. 804/3/2005-BC-III/BC-II] (N. Baijendra Kumar), Jt. Secy.

Note: - The principal rules were published in the Gazette of India, Part II, Section 3, sub-section

(i) vide number G.S.R. 729(E), dated the 29th September, 1994 and subsequently amended by G.S.R. 459(E) dated the 8th October, 1996 and G.S.R. 282 (E), dated 11th May, 2006.